

141. REFUSE COLLECTION AND DISPOSAL

141.01. Definitions. Subdivision 1. As used in this chapter the following words and phrases shall have the meanings ascribed to them.

Subd. 2. "Approved" means approved by the health officer.

Subd. 3. "Ashes" means residue from fires used for cooking, heating buildings, burning of refuse or other forms of burning conducted at residential or commercial places.

Subd. 4. "Board" means the Olmsted County Board of Health.

Subd. 5. "Collector" means any person licensed under the provisions of this chapter to collect refuse.

Subd. 6. "Commercial garbage" means garbage from all restaurants, hotels, hospitals, grocery stores and fruit stores, which produce an average of 10 gallons or more of garbage per day.

Subd. 7. "Commercial rubbish" means rubbish from commercial establishments completely free of napkins, paper cups, milk cartons or any type of paper, carton or cardboard used as containers for food, which may contain residues of food.

Subd. 8. "Construction waste" means all waste material resulting from the construction, repair, alteration, destruction or removal of buildings or other structures, such as building materials, material containers and wrappings, stone, trees and construction debris.

Subd. 9. "Garbage" means all putrescible organic wastes resulting from the handling, storage, preparation, cooking or consumption of food.

Subd.10. "Health officer" means the health officer of Olmsted County or authorized representative.

Subd. 11. "Refuse" means all types of garbage, rubbish, construction wastes and ashes as defined herein.

Subd. 12. "Responsible tenant" means any occupant, tenant, owner, manager or custodian of any residence, apartment or dwelling unit, and any person, firm or corporation owning or operating a commercial establishment.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

Subd. 13. "Restaurant" means any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drive-in, soda fountain, and all other eating or drinking establishments including stands of seasonal operation.

Subd. 14. "Rubbish" means all nonputrescible solid wastes, such as paper, cardboard, tin cans, glass, cold ashes, wood, clothing, yard clippings and similar material.

141.02. Preparation of Garbage. All garbage before being placed in containers for collection or disposal shall be drained of all free liquids, and, except for commercial garbage, shall be wrapped in paper.

141.03. Preparation of Rubbish. All rubbish shall be drained of liquid, and all cans and bottles which have contained food shall be thoroughly rinsed and drained before being placed in containers for collection or disposal.

141.04. Commercial Establishments. Commercial establishments handling big cardboard boxes, wooden crates or similar items which cannot be placed in containers as defined herein, shall keep such items indoors on an impervious surface or outdoors in fixed large metallic containers which are easily drained and so located as to be easily unloaded by the collector. Such containers shall be kept covered at all times.

141.05. Seasonal Rubbish. In residential areas during spring and fall, when a great amount of leaves, tree trimmings, and similar material, may accumulate between collections, such items may be stored in one or more cardboard boxes, fiber boxes, plastic bags or any type of single service type of containers not exceeding 70 pounds each, and placed close to the regular containers for collection. Brush shall be cut into lengths not exceeding 4 feet and tied into bundles which can be readily handled by an individual collector.

141.06. Construction of Refuse Containers. All refuse containers shall be made of rust-resistant metal equipped with suitable handles and tight-fitting covers, shall be watertight and vermin proof, with tapered side walls, and shall have a capacity of not more than 32 gallons.

141.07. Maintenance of Containers. Refuse containers shall be kept by the responsible tenant in a neat, clean and sanitary condition so as to prevent insect breeding, nuisances and unsightly conditions. Such containers shall be maintained by the responsible tenant, or by the collector when supplied by him, in good repair free of ragged or sharp edges or other defects likely to injure or hamper the person using the same or collecting the contents thereof.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

141.08. Replacement of Containers. Any refuse container which does not conform to the provisions of this chapter shall be promptly replaced with a proper container by the responsible tenant or collector supplying such container. Failure to replace such improper container within 10 days after receipt of written notice from the health officer to do so, shall constitute a violation of this chapter.

141.09. Location of Containers. All refuse containers shall be kept as near the rear of the premises as practicable if there is any alley, and shall be located so as to be easily accessible to the collector. Containers that are stored within a house, garage, or other structure shall be made easily accessible (unlocked and unblocked) therein each scheduled collection day by the responsible tenant. Such containers shall be kept at least 12 inches above the ground or on an impervious surface. Each container shall bear the number of the property address or the name of the commercial establishment for the purpose of enabling the collector to return such containers to the property and to correctly identify violators. The county health officer shall investigate complaints and enforce the provisions of this section concerning the accessibility of refuse containers.

141.10. Disposal of Refuse. All refuse shall be disposed of at a facility approved for the type of refuse disposed of and in a manner prescribed by the health officer.

141.11. Disposal of Hazardous Refuse. Hazardous refuse, such as radioactive materials, drugs, poisons, infectious wastes, and similar materials, shall be picked up only by collectors licensed for collection and transport of such hazardous refuse by the State of Minnesota, County of Olmsted, or other governmental authority, or by the owner or other person responsible therefor. Such hazardous refuse shall be disposed of at a facility licensed for disposal of such refuse and in a manner prescribed by the health officer.

141.12. Disposal of Construction Wastes. Subdivision 1. Construction wastes may be disposed of by the builder, contractor or person responsible therefore, without a license or permit, in a vehicle normally used for that purpose; provided, however, that when such construction wastes include paper or other material likely to scatter, such vehicle shall be enclosed or covered in a manner which will prevent such scattering.

Subd. 2. Whenever a substantial area is being cleared of brush, trees or other debris for purposes of street construction, subdivision development, or other similar purpose, or whenever heat is required for legitimate construction purposes (e.g. removing frost from the ground) the chief of the fire department may authorize in writing the burning of such brush, trees or other debris or the burning of combustible materials for heat purposes, on the site. The chief's authorization may be given only if:

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

- A. the burning can be done with reasonable safety and without causing undue public discomfort; and,
- B. the applicant, in its application for subdivision activity, development activity or a conditional use permit, informed the Planning Department of its intent to burn brush, trees or other debris.

Subd. 3. In authorizing the burning of such combustible materials on the site, the chief shall prescribe the location where and the time when such burning shall be done, and shall prescribe such conditions and requirements deemed necessary to minimize the hazard of fire or public discomfort. Nothing in this section shall be construed to allow the chief to authorize the burning on the site of ordinary construction waste.

Subd. 4. A licensed collector is not required to remove construction wastes which have not been stored as provided in this chapter, or which are in excess of the quantity agreed to be removed, unless separate arrangements therefore have been made.

(3678, 11/1/04)

141.13. Incinerators and Disposals. Subdivision 1. Refuse may be disposed of by means of an approved indoor, self-fired incinerator or other incinerator licensed for disposal of such refuse by the State of Minnesota, County of Olmsted, or other competent governmental authority.

Subdivision 2. Garbage may be disposed of by means of garbage disposal systems which discharge ground garbage into the City's sewage disposal system.

141.14. Limitations. No person shall burn, bury or dispose of any refuse in any manner other than as provided in this chapter.

141.15. Refuse Handling. No person shall haul or transport refuse over or upon any public street, alley or public grounds unless the same is hauled or transported in a tightly covered vehicle or container so constructed that such refuse cannot fall out or be scattered in transit.

141.16. Collector's License Required. No person shall engage in the business of collecting refuse in the city without being licensed by the county of Olmsted and having such license approved by the council.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

141.17. Collection Vehicles. Subdivision 1. All vehicles to be used in refuse collection shall conform to the following provisions:

Subd. 2. Garbage. The body of all vehicles to be used for the collection of refuse containing garbage shall be of metal construction and fully enclosed. The bodies of such vehicles shall be so constructed, maintained and equipped that refuse cannot leak, spill or escape in any way. All such vehicles shall have packer-type bodies.

Subd. 3. Commercial Rubbish. The body of all vehicles to be used for the collection of commercial rubbish shall be so constructed and enclosed that such refuse cannot spill or escape in any way from such vehicle.

Subd. 4. General Condition. All vehicles used in refuse collection in the city shall be maintained in good repair and mechanical condition.

141.18. Cleaning of Vehicles. All vehicles used in the collection of refuse shall be cleaned in such manner and at such intervals as the health officer shall prescribe. All such vehicles shall be kept free of offensive odor at all times.

141.19. Parking of Vehicles. No vehicle used for the collection of refuse shall be allowed to stand on any street, alley or public ground for any period of time longer than is reasonably necessary to make collection, and all refuse shall be hauled away and disposed of promptly following its collection. Each collector shall provide off-street parking facilities in an area not zoned or used for residential purposes, where vehicles used for the collection of refuse shall be parked or stored when not in actual operation.

141.20. Substitute Vehicles. Whenever a vehicle authorized for use in the collection of refuse is temporarily out of service for maintenance or repairs, another vehicle of a type not otherwise qualifying hereunder but approved by the health officer may be used for a maximum period of 15 days until such authorized vehicle is ready for further service.

141.21. Hazardous Equipment. All hazardous equipment such as packer type body shall be attended while in operation.

141.22. Residence Required. Any person desiring to engage in the business of refuse collecting, must have a permanent business address in the city and a telephone.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

141.23. Schedule and Hours of Collection. Subdivision 1. Refuse shall be collected from residential and commercial properties at least once weekly. Except as hereinafter provided, all such collection shall be made between the hours of 7:00 a.m. and 6:30 p.m. Collections shall not be made on Sundays or on New Year's Day, Memorial Day, the Fourth of July, Thanksgiving or Christmas.

Subd. 2. In areas zoned and used for commercial and industrial purposes that have been approved by the city administrator, the hours set forth for collection shall be 4:00 a.m. to 6:30 p.m. The city administrator may rescind any approval issued pursuant to this subdivision for any reason.

Subd. 3. The provisions of this section limiting hours and days of collection shall not apply to the collection, transport or disposal of refuse from a facility or group of facilities which generates medical waste and which owns, or is under common ownership or control with, a licensed waste disposal facility capable of disposing of medical waste.

141.24. Employees. Each collector shall employ clean, courteous and competent employees at all times and shall investigate all complaints about employees, equipment and service. Whenever a complaint is referred to a collector by the health officer, a written report shall be made by the collector to the health officer setting forth the investigation, findings and action on such complaint.

141.25. Rubbish on Premises Not Served. Each collector shall remove refuse from premises not served by regular refuse collection upon the request of the responsible tenant, at a reasonable charge, providing such removal is within the capabilities of the collector's employees and equipment.

141.26. Emergencies. Whenever an emergency or unforeseen or extraordinary condition arises, the health officer may order the collection of refuse at such times and in such manner as the circumstances require, and each collector shall abide by such order of the health officer.

141.27. Annual Reports. Each collector shall on February 1 of each year submit a report to the health officer setting forth such information for the previous calendar year as the health officer may reasonably request pertaining to refuse collection service within and without the city. Such report shall be made on forms provided for that purpose by the health officer. At the same time each collector shall also submit to the city director of finance an operating statement of refuse collection income and expenses for the previous calendar year based upon generally accepted accounting methods and in such detail as the director of finance may deem necessary.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

141.28. Repealed by Ordinance 2413, January 8, 1985.

141.29. Revocation or Suspension. The council may revoke or suspend for cause the council's approval of a collector's license issued by the county. Such action shall be taken only after the board has made written recommendation following a hearing before the board upon at least 10 days' written notice to the affected collector.

141.30. City Collection. Nothing in this chapter shall be construed as limiting the right of the city to engage directly in the collection of refuse or garbage.

141.31. Prohibited Disposal. It is unlawful for any person to deposit refuse in any manner on the property of another or to place refuse in a refuse container belonging to another person, without the consent of such person.

141.32. Disposal Fees and Restrictions on Disposal. Any person disposing refuse at a sanitary landfill site or dumping ground operated by the city shall pay a fee in accordance with the following schedule, except that the fees shall be double for the disposal of refuse originating outside of Olmsted county and the fees for items 9 and 10 shall be triple if the items are not declared at the pay gate.

- (1) Passenger automobile or station wagon, including a panel truck registered as a passenger automobile, \$1.75.
- (2) Panel truck if registered as a truck, \$4.00.
- (3) Pickup truck, two-wheel trailer, under five cubic yards, \$4.00.
- (4) Two-axle truck or four-wheel trailer, under 11 cubic yards, \$8.00, except that the charge for such vehicles containing tree debris is \$16.00.
- (5) Tandem axle truck, \$10.00, except that the charge for such vehicles containing tree debris is \$20.00.
- (6) Semi-truck (three-axle truck under twenty cubic yards), \$18.00, except that the charge for such vehicles containing tree debris is \$36.00.
- (7) Non-packer truck over 11 cubic yards, \$1.00 per cubic yard.
- (8) Packer truck, \$1.20 per cubic yard.

CHAPTER 141. REFUSE COLLECTION AND DISPOSAL

(9) Each appliance unit, \$2.00. When in excess of the vehicular charge, the charge for appliance in a load shall be in addition to the vehicular charge.

(10) Each tire designed to fit a rim of 16 inches or less in diameter, \$1.50 and each tire designed to fit a rim of more than 16 inches in diameter, \$3.00.

(11) Toxic or liquid waste, prohibited.

(12) Building demolition debris, \$2.50 per cubic yard.

(13) Special handling, \$8.00.

No motor vehicle shall be disposed of at a city sanitary landfill or dumping ground and the disposal of tree debris may be limited or prohibited by order of the superintendent of the dumping grounds.

141.33. Additional Disposal Fees. In addition to any other refuse disposal fee, any person disposing refuse at a sanitary landfill site or dumping ground operated by the city shall pay a fee of \$3.00 if the refuse is not completely enclosed, covered, or tied down in such a manner as to prevent the loss of refuse while being transported.

(1169, 8/6/62; 1307, 5/3/65; 1551, 5/4/70; 1552, 5/4/70; 1671, 10/17/72; 1675, 11/7/72; 1717, 7/17/73; 1725, 9/4/73; 1729, 9/26/73; 1740, 12/18/73; 1744, 2/19/74; 1767, 6/3/74; 1825, 12/1/75; 1827, 12/1/75; 1927, 12/19/77; 1962, 6/19/78; 1987, 9/5/78; 2038, 4/16/79; 2091, 12/18/79; 2092, 12/17/79; 2170, 3/1/81; 2184, 5/2/81; 2214, 1/1/82; 2279, 1/25/83; 2353, 2/22/84; 2413, 1/7/85; 2672, 1/18/90; 3025, 3/26/96; 3308 2/8/2000; 3678, 11/1/04)